



**IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE**

Applicant: Bakker, W.

Examiner: Cathy Lam

Serial No.: 08/699,332

Group Art Unit: 1700

Filed: August 19, 1996

Docket: PZN 2 016

For: **Packaging Film for  
Forming Packages**

Dated: November 24, 1998

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C.  
20231 U.S.A.

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**Declaration Under 37 C.F.R. 1.132**

Dear Sir:

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MPEP 7 6.02

I, William J. Bakker, of Orangeville, Ontario, do hereby declare and state:

1. I am one of the inventors named in the above-noted patent application. 16.03(a)(5)
2. A packaging film as described and claimed in the above-noted patent application has been undergoing a commercial field trial since June 22, 1998 to the present. The location of the commercial field trial is a McDonald's fast food outlet in the City of Mississauga, which is a suburb of Toronto, Canada. Sales figures.
3. The commercial field trial involved placing machines of the type disclosed in parent patents 5,511,360 and 5,299,410 in a fast food retail environment. The machines were placed adjacent to the drive through food dispensing area, and one aspect of the packaging film as described and claimed in the present application (S.N. 08/699,332) was used to lid cold beverage containers, namely,

soft drink cups, just before the cups were passed through the take-out window to customers.

4. In the course of the commercial trial I estimate that approximately 160,000 individual cups, lidded with packaging film according to the invention were dispensed. I have just met with the official of McDonald's who is responsible for evaluating the field trial, and was advised that even though about 160,000 units were passed out to customers, he had not received a single negative comment from customers.
5. It is my impression that customers prefer cups lidded with the packaging film according to the present invention, because cups so lidded offer improved spill resistance - the lids made from such packaging film do not accidentally pop off as the prior art rigid lids have a tendency to do.
6. The fast food employees who applied the packaging film to individual cups, on a customer order basis, had little or no training in the technology. That they were able to reliably dispense so many cups, over an extended field trial, is evidence of the advantages of using packaging film according to the present invention, namely its ease of use and speed of the lidding step. It is my belief that the extended field trial has demonstrated the packaging film can be successfully used in a demanding high speed environment as found in a leading fast food company.
7. McDonalds has now approved the technology, namely use of the packaging film for lidding cold drinks, for a full scale test market, which will involve using the packaging film in a city or area wide test basis. This is the last step before a national approval is granted. I am currently undergoing negotiations with McDonalds directed to the commercial terms for such a full scale test market.

8. It is my opinion that the above-noted acceptance of this new packaging film for the fast food cold drink lidding application is due to the new and unobvious design of the packaging film, namely the combination of a thin film substrate of the type that contracts when exposed to heat and which is substantially transparent to radiant energy thereby remaining substantially unchanged upon exposure to radiant energy, and a susceptor material being sufficiently opaque to absorb said radiant energy, and to convert said radiant energy into heat energy, said heat energy being in an amount sufficient to cause said substrate to shrink upon said packaging film being exposed to a source of radiant energy, wherein upon exposure to said source of radiant energy, said packaging film shrinks in a preferential manner to form a spill resistant cover or lid on said drink container.
9. I hereby declare that all statements made herein are of my own knowledge and are true, and that all statements made on information and belief are believed to be true; and further that these statements have been made with the knowledge that these statements and the likes were made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Sworn at Toronto, Ontario, Canada  
this 24th day of November, 1998.



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William J. Bakker